

**IN THE DRAWINGS**

**In Figure 12, change reference number "64" to -- 74 --.**

**In Figure 15, change reference number "12" to -- 72 --.**

**In Figure 16, change reference number "12" to -- 72 --.**

## **REMARKS**

### **Response to Objections to Drawings**

The drawings were objected to by the Examiner, contending that in Figure 12, "64" should apparently read --74--, in Figure 15-16, "12" should apparently read --72--.

In response, applicants have amended Figures 12, 15 and 16 as recommended by the Examiner.

### **Response to Request for Corrections to Specification**

Applicants have reduced the Abstract to less than 150 words in response to the Examiner's requirement.

The disclosure was objected to by the Examiner because of the informality that applicant has not disclosed the current status of the related applications. The issued patent has been appropriately identified.

### **Response to Claim Objections**

Claims 47 and 49 were objected to by the Examiner because of the following informalities:

In claim 47, at line 2, "move" should read -- moves --.

In claim 49, at line 3 -- and -- between "end" and "a longitudinal".

The word "move" has been replaced with "moves" in claim 47, at line 2. Claim 49 has been amended to include "and" between the words "end" and "a longitudinal" at line 3.

## **Response to Claim Rejections Under 35 U.S.C. §112**

Claims 1, 33 and 46-51 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that at claim 1, line 10, the pronoun "its" renders the claim indefinite because one cannot be certain what "its" refers to. Claim 1 has been amended. The pronoun "its" has been removed and "of the specimen" has been added to indicate the object being encapsulated and removed.

The Examiner indicates that there is insufficient antecedent basis for the limitation "said step" in claim 33. The claim has been amended to exclude reference to a step.

The Examiner states that there is insufficient antecedent basis for the limitation in Claim 46 for "at least one" tissue collection component. Claim 46 has been amended to exclude the phrase "at least one". The Examiner also states that the limitation "the radial extended arcuate position" of claim 46 has an insufficient antecedent basis. The claim has been amended to change the phase to "a radial extended arcuate position".

The Examiner states that there is insufficient antecedent basis for the limitation, "the instrument assembly" in Claims 46-48. Claims 46-48 have been amended the phrase, "instrumentality assembly" has been replace with, "the excisional device".

The Examiner indicated that the pronoun "it" in claim 49 renders the claim indefinite. Claim 49 has been amended to replace "it" with "the tissue specimen".

## **Response to Claim Rejections Under 35 U.S.C. §102**

Claims 1, 29, 31-32, and 40-51 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Kieturakis (U.S. Pat. No. 5,794,626). The claims as

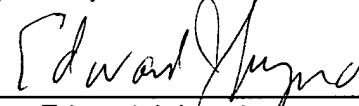
amended refer to a cutting element which is an electrosurgical cutter energizable by radio frequency energy. The Kieturakis reference discloses a cutter which is provided with electrical power in order to generate rotational movement of the cutters, however, the reference does not teach or disclose a cutter which uses radiofrequency energy to isolate a desired tissue specimen.

Claims 1, 29, 31-33, 40-49 and 51 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Patterson et al. (U.S. Pat. No. 5,941,869). Independent claims 1, 29, 40, 45, and 49 include or have been amended to include a cutting element which isolates tissue by defining a peripheral boundary about the specimen. The Patterson reference does not disclose or teach a device which isolates tissue by defining a peripheral boundary about the specimen. Claim 45 of the present device encapsulates the specimen and maintains the specimen intact when removing the specimen. The Patterson reference does not teach or disclose a device which encapsulates the specimen and maintains the specimen intact when removing the specimen from the body. Because independent claims 1, 29, 40, 45, and 49 have been placed in allowable form, claims depending from these claims should also be allowable.

### Conclusion

The pending claims as amended above are believed to be directed to patentable subject matter. Reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

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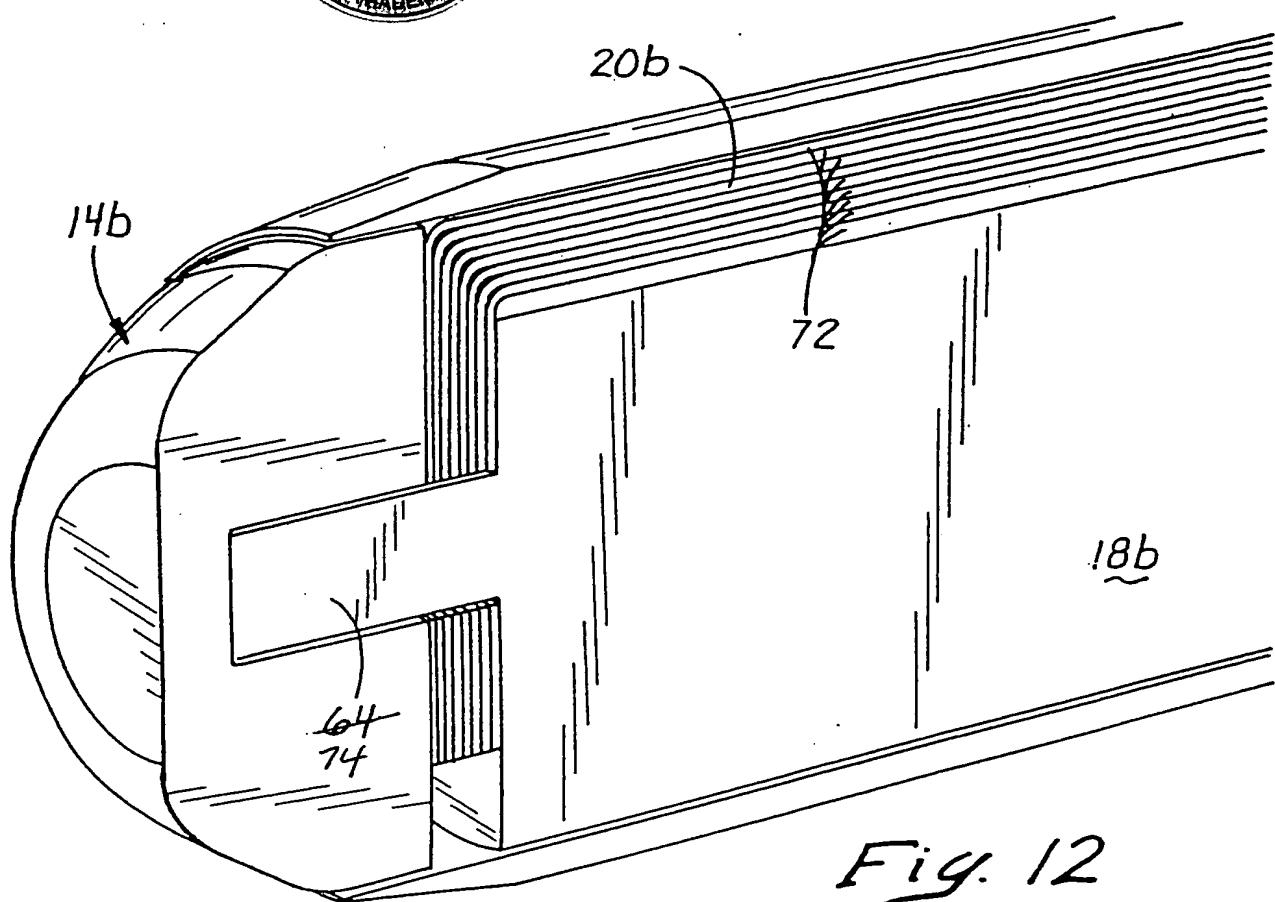


Fig. 12

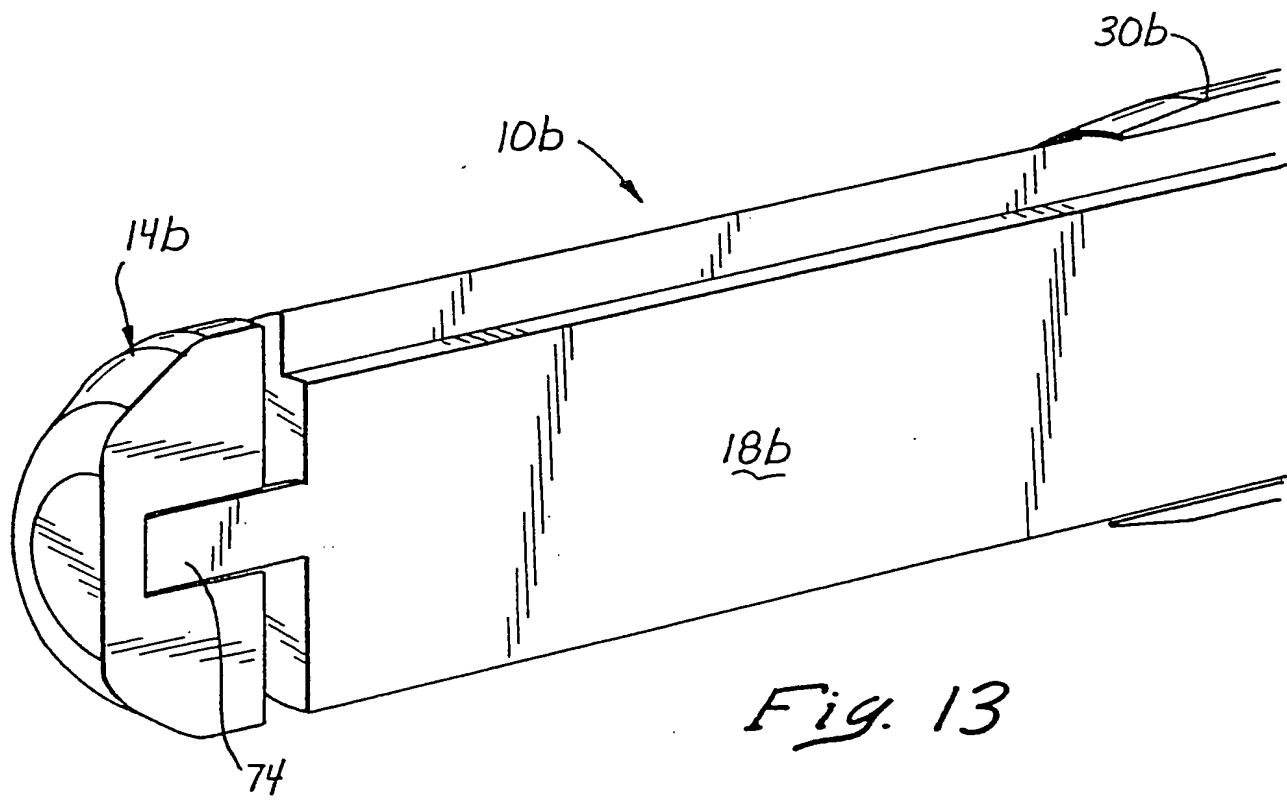


Fig. 13

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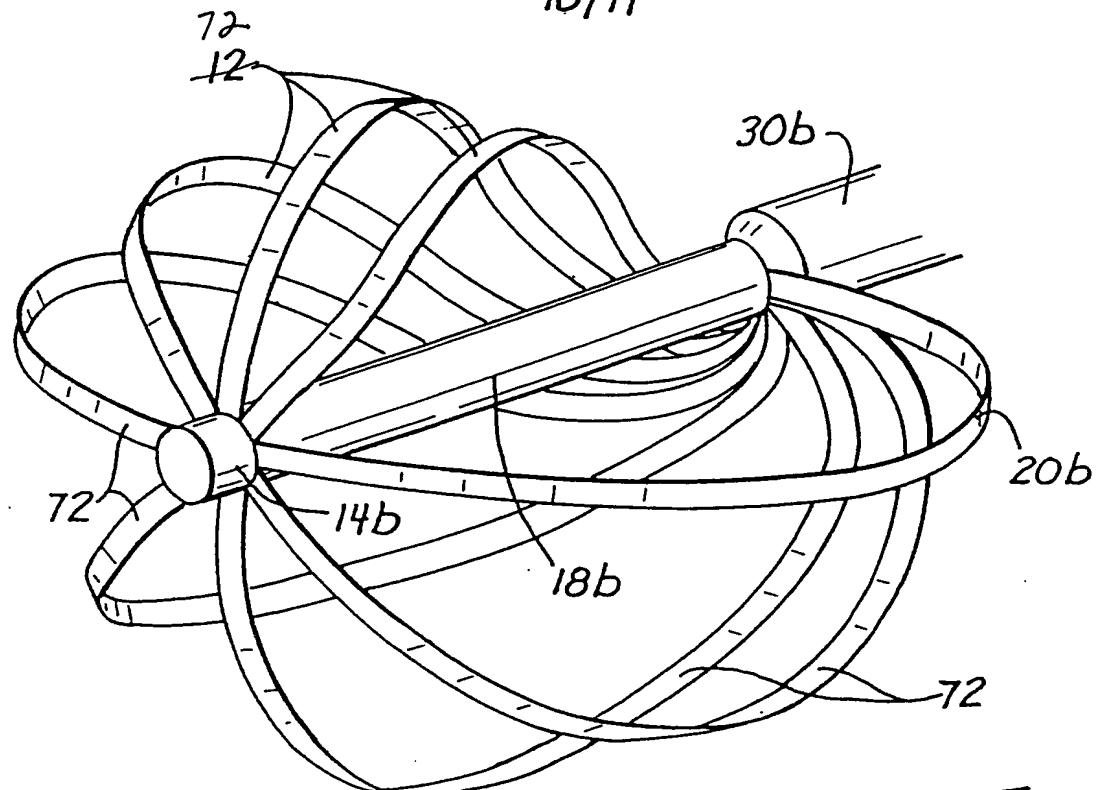


Fig. 15

Fig. 16

